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Note verbale dated 22 January 2001 from the Permanent Mission of Guinea-Bissau to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Guinea-Bissau to the United Nations presents its compliments to the President of the fifty-fifth session of the United Nations General Assembly and would like to express its appreciation for the prompt action taken on our previous request concerning this matter. As a follow-up, the delegation of Guinea-Bissau has the honour to hereby inform you of the following.

In his reply to the note verbale addressed by the Mission of Guinea-Bissau to the President of the General Assembly, which was forwarded to the Chairman of the Fifth Committee and published as a General Assembly document on 16 December 2000 (A/C.5/55/33), the Under-Secretary-General for the Department of Management stated that there are six citizens of Guinea-Bissau working for the United Nations.

The delegation of Guinea-Bissau would like to inform you that we meant what we said when we stated that the staff member in question was our only national working for the United Nations Secretariat. In fact, as far we know, he was our first staff member ever, and the only one for the entire period during which he worked for the Organization.

However, following the reply from the Department of Management, we checked again, and found that our statement is fully backed up by the official records of the Department of Management itself. For instance, in the document entitled "List of staff of the United Nations Secretariat as of 1 July 2000 — report of the Secretary-General",[1] published in September 2000, only one name was shown. That is the Representative of the Secretary-General for Haiti. As such, he is a political appointee heading a United Nations peace-building mission and not a staff member of the Secretariat. In another list published in August 1999, no staff member from Guinea-Bissau was listed, as it had no staff members working for the Secretariat. These are documents published by the Department of Management

[1] Document available in the files of the Secretariat.

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itself. The question is, where are the six staff members from Guinea-Bissau working in the United Nations Secretariat that the Under-Secretary-General referred to in his reply? The delegation of Guinea-Bissau would appreciate receiving a list containing their names, positions and the department and service where they work, as soon as possible.

We find it regrettable that the Under-Secretary-General for the Department of Management is not aware of the difference between regular budget posts, established by the General Assembly and subject to equitable geographical distribution, as mandated by the Charter of the United Nations, as opposed to posts allocated to the specialized agencies, programmes and missions outside the Secretariat of the Organization. To come to the realization that this is the case, as shown by his reply, is indeed, to say the least, a very disturbing development.

The Under-Secretary-General also stated in his reply that, in reviewing the case of the staff member concerned, the Administration has treated him "fairly and in full conformity with the applicable rules and policies of the Organization". That being the case, we believe that, in the interest of justice, the Department of Management will have no problem in joining us in expressing its full and immediate support for the detailed investigation being sought.

However, if the above-mentioned evidence is any indication of the kind of information that the Department of Management relied upon in dealing with the facts in the staff member's case, then this will be one more serious reason for the Fifth Committee to go ahead with the reasonable actions being requested in our note dated 11 December 2000 addressed to the President of the General Assembly (A/C.5/55/33).

The staff member wants his case to be decided legally and fairly. As a result, the investigation being requested specifically concerns how the case has been handled so far by the Department of Public Information, the Department of Management and the Joint Appeals Board. Furthermore, since a decision has already been made by the Department of Management on the case, that means all the evidence needed is readily available. That being the case, it is our firm belief that the investigation could be concluded within a day.

For the remainder of the legal process leading up to the Administrative Tribunal, the Mission of Guinea-Bissau would hereby like to request both the Chairman of the Fifth Committee and the Under-Secretary-General for the Department of Management to kindly use their good offices to help obtain an immediate trial — including oral proceedings open to the public — of this unfortunate case, which has already been going on for too long and has obviously taken a heavy and unfair toll on the staff member and his family. If an immediate trial is not possible, then, allow us to suggest that, to duly protect the rights of the staff member, he should be placed on special leave with pay while the process runs its course.

The Permanent Mission of Guinea-Bissau would very much appreciate it if you could have the present note circulated as a document of the fifty-fifth session of the General Assembly and its contents brought to the attention of the Chairman of the Fifth Committee for consideration.